

Remarks

The Office mailed the present Office Action on July 7, 2006. At the issuance of the Office Action, claims 1-27 were pending with claims 1-10 being rejected by the Office and the Office imposing a restriction/election requirement for claims 11-27. The applicant submits that this paper is fully responsive to the issues raised by the Office and that the claims, as presently before the Office, are in condition for allowance. The applicant respectfully requests the Office's consideration of the presented claims and the accompanying remarks.

Election/Restrictions

The Office has raised a restriction requirement stating that claim groupings 1-10, 11-20 and 21-27 are directed towards independent or distinct inventions. As such, the applicant is canceling claims 11-27 but reserves the right to prosecute these claims in a continuation or divisional patent application.

Claim Rejections – 35 USC § 103

The Office has rejected claims 1-10 under 35 U.S.C. 103(a) alleging that they are unpatentable over United States Patent Number 6,843,723 to Joshi in view of United States Patent Number 6,682,432 to Brosnan et al. The applicant respectfully rebuts the Office's grounds for rejection.

The Office has maintained the exact same basis for rejection of claims 1-10 as was previously presented by the Office. However, the applicant wishes to direct the Office's attention to some specific amendments that were made to the claims in the December 2, 2005 Supplemental Response. These amendments were made after visiting the Patent Office and meeting with Examiner Coburn to discuss the present invention in view of the cited art. The

amendments identify a clear distinctions from the cited art and in this response, we will particularly describe these distinctions.

The applicant's originally amended claim 1 to specifically indicate that the present invention provides a promotional event that is independent of and does not alter the operation of the underlying gaming operation. Specifically, the claimed invention recites "whereby the operation of the video gaming machine and the payout table remain intact" and that the promotional event has a winning criteria that is "defined independently from the payout table". The applicant's submit that these limitations clearly distinguish the claimed invention over the cited references.

Joshi specifically teaches modifying the underlying game in several manners:

- (a) Joshi describes modifying the display characteristics or motif of the underlying game (Col. 1 line 66 to Col. 2 line 31)
- (b) Joshi describes modifying the payout table of the underlying game (Col. 2, lines 32-39)
- (c) Joshi describes taking over the operation of the basic game and invoking the new game (Col. 5 lines 56-65).

A key aspect of the invention described in Joshi is the fact that the payout table is modified to support the new game, and that the new game is integrated into the platform and payout structure of the underlying game. As such, trying to read Joshi onto the present invention, which clearly maintains a separation between the underlying game and the promotional event, would destroy the Joshi reference.

In addition, Brosnan does not describe, suggest or teach the structure of the claimed invention.

Thus, the applicant's respectfully submit that the cited references do not describe, suggest or teach each and every element of the claimed invention either alone or in combination and as such, cannot be used as the basis of an obviousness type rejection.

Regarding claims 2-10, these claims depend either directly or indirectly from claim 1, and as such, are also in condition for allowance. However, the applicant wishes to again point out the previously submitted amendments to claim 5. Claim 5 current recites that the promotional event of the present invention is displayed onto the display of a gaming machine without altering the content associated with the video gaming machine. Thus claim 5 even more specifically distinguishes the present invention from the cited references.

Conclusion

Applicant respectfully submits that the currently pending claims are in condition for allowance and respectfully requests the Office's consideration. If the Office has any questions or if there are any actions that can be handled through an Examiner's Amendment, the applicant requests the Office to contact the attorney of record using the below-provided contact information.

Respectfully submitted,

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